

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

C/M

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RALPH BAKER,  
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Petitioner,  
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- against -  
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HON. JOHN C. WALSH, JSC, Justice  
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Supreme Court for Kings County;  
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CARLTON NEWTON, Warden of NIC,  
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RIKER'S ISLAND,  
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Respondents.  
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**MEMORANDUM**  
**DECISION AND ORDER**

12 Civ. 5337 (BMC)

COGAN, District Judge.

Petitioner *pro se* brings this habeas corpus petition pursuant to 28 U.S.C. § 2241, challenging the revocation of bail by the state court in his pending prosecution for grand larceny, falsifying records, and related charges. This is one of four actions petitioner has brought in this Court in 2012 relating to this same prosecution. All of the others have been dismissed as frivolous. See Baker v. New York State Executives and Officers et al., 12 Civ. 1090 (BMC) (filed March 3, 2012, motion to dismiss granted June 21, 2012); Baker v. Supreme Court for the State of New York, Kings County et al., 12 Civ. 4750 (BMC) (filed September 21, 2012, dismissed under 28 U.S.C. § 1915A on Oct. 4, 2012); Baker v. Supreme Court of the State of New York et al., 12 Civ. 5757 (BMC) (filed November 14, 2012, dismissed under 28 U.S.C. § 1915A on Jan. 29, 2013). Prior to these cases, petitioner brought two other unrelated *pro se* actions in this Court, one of which was dismissed as frivolous, Baker v. Pataki, 06 Civ. 6138 (BMC) (filed Nov. 16, 2006, dismissed under 28 U.S.C. § 1915 on Feb. 20, 2007), and the other of which was dismissed for lack of subject matter jurisdiction, Baker v. Lawrence Novelty Co.,

Inc., 11 Civ. 2806 (BMC) (dismissed Aug. 1, 2011). He has also filed at least five other cases in the Southern District of New York between 1996 and 2005 is subject to an anti-suit injunction as to the matters raised in that district. See Baker v. City of New York, 05 Civ. 664 (NRB) (injunction entered May 2, 2005).

I have previously described the facts behind respondent's instant prosecution and will not again repeat them; they have been updated by the District Attorney's submission in response to this Court's Order to Show Cause. Suffice it to say that the State Court keeps releasing petitioner on bail subject to Orders of Protection and he keeps violating the Orders and being remanded.

The instant petition has no more merit than any of petitioner's other actions. The District Attorney's papers show the claim is moot because he is currently out on bail. He has not exhausted his state court remedies because he has not raised the claim that he is raising here and he has not appealed the state court's order of remand. Moreover, the particular relief that petitioner seeks would violate Younger v. Harris, 301 U.S. 37 (1971), because he is seeking to have this Court interfere with an ongoing criminal prosecution.

I have previously warned petitioner that further frivolous filings are likely to result in an anti-suit injunction. Because that warning was issued subsequent to the filing of this petition, such an injunction will not be issued at this time. The warning, however, is reiterated.

The petition is denied and the case is dismissed. No certificate of appealability will issue because the claim is frivolous. For the same reason, *in forma pauperis* status is denied for purposes of appeal should petitioner seek it.

**SO ORDERED.**

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U.S.D.J.

Dated: Brooklyn, New York  
March 12, 2013